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## FAX FILING IN U.S. PATENT & TRADEMARK OFFICE

DATE: December 10, 2008

TIME: \_\_\_\_\_

TO:	MAIL STOP Appeal Brief-Patents	FAX NO.:	(571) 273-0052
FROM:	Kenneth N. Nigon/Deborah M. Grove	ADMIN. ASST.:	Christine Clarke-Robinson
APPLN. NO.:	09/640,103	ATTY. DOCKET NO.:	FKC-100US
TITLE OF APPLN.: CLASSIFICATION OF ELECTRONIC MESSAGES USING A HIERARCHY OF RULE SETS			
FILING DATE:	August 15, 2000	ART UNIT:	2443
FIRST INVENTOR:	Patrick McErlean	CONF. NO.:	1503
TITLE OF DOCUMENT (and List of Attachments):		Notice of Appeal Request for Reinstatement of Appeal PTO-2038 Form	

Total Number of Pages: 4 (including this form)

### COMMENTS

379751v1

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FKC-100US

Application No.: 09/640,103  
 Request Dated: December 10, 2008  
 Reply to Office Action of: November 14, 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION NO: 09/640,103  
 APPLICANT: Patrick McErlean  
 FILED: AUGUST 15, 2000  
 TITLE: CLASSIFICATION OF ELECTRONIC MESSAGES USING A HIERARCHY OF RULE SETS  
 CONFIRMATION NO: 1503  
 TC/A.U.: 2443  
 EXAMINER: Alina A. Boutah

**REQUEST FOR REINSTATEMENT OF APPEAL**

MAIL STOP APPEAL BRIEF-PATENTS  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated November 14, 2008, reinstatement of the Appeal is respectfully requested.

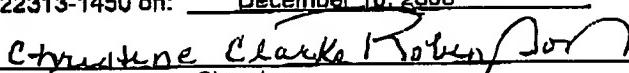
As the Appeal fees have been previously paid, and the Appeal fees have subsequently increased, a difference of \$20.00 between the current fee and the amount previously paid is currently due.

Respectfully submitted,

  
 Kenneth N. Nigon, Reg. No. 31,549  
 Deborah M. Grove, Reg. No. 61,091  
 Attorney/Patent Agent for Applicant

P.O. Box 980  
 Valley Forge, PA 19482  
 (610) 407-0700

I hereby certify that this correspondence is being facsimile transmitted to the United States Postal Service addressed to: MAIL STOP Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: December 10, 2008

  
 Signature

Typed/Printed Name: Christine Clarke-Robinson

KNN/DMG/ccr  
 Enclosures: Notice of Appeal  
 PTO-2039 Form

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.  
 379769v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

FKC-100US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, addressed to "MAIL STOP Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on December 10, 2008Signature: Christine Clarke-RobinsonTyped or printed Name: Christine Clarke-Robinson

In re Application of

Patrick McErlean

Application Number

09/640,103

Filed

August 15, 2000

Title: CLASSIFICATION OF ELECTRONIC MESSAGES USING A HIERARCHY OF RULE SETS

Art Unit

2443

Examiner

Alina A. Boutah

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The difference in fee for this previously paid Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 40.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 20.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-0350.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Registration Number: 31,549

(610) 407-0700

attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Telephone Number

December 10, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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